

Pesticide Enforcement Branch

in cooperation with
the Structural Pest Control Board and
the California Agricultural Commissioners and
Sealers Association

REFERENCE MANUAL

for

STRUCTURAL PEST CONTROL ENFORCEMENT PROGRAM

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This Structural Pest Control Enforcement Training Manual is authored by a subcommittee of the Structural Pest Control Enforcement Training working group and the Training Liaison Committee of the Enforcement Branch of the Department of Pesticide Regulation (DPR).

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STRUCTURAL PEST CONTROL ENFORCEMENT TRAINING

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STRUCTURAL PEST CONTROL ENFORCEMENT PROGRAM REFERENCE MANUAL

1. Introduction

A. History of Structural Pest Control in California

- 1901 The Legislature enacted California's first pesticide law. It regulated Paris Green, a powder insecticide commonly used to control drywood termites.
- 1905 The first recorded company was Barden's Pest Control in Long Beach, founded by Vince Barden. Most pest control companies of that era specialized in the control of cockroaches, bedbugs, mice and rats.
- 1908 Companies began using cyanide gas for the control of clothes moths, stored food product pests, cockroaches, rats and mice.
- 1932 After the Long Beach earthquake extensive termite damage was found in homes throughout southern California. Banks throughout the state began requiring termite inspections on homes before lending money.
- 1935 The California Department of Agriculture was given authority to adopt pesticide regulations, enforcement became the responsibility of county agricultural commissioners.
- 1936 Legislation creating the Structural Pest Control Act took effect. The act was popularly known as the "Blue Book" for many years. The first conviction under the new law came in March 1936 when R.W. Broadsman was sentenced to 30 days in jail and fined \$50 for operating without a license.
- 1947 A home under fumigation with cyanide gas was destroyed by an

explosion in Los Angeles. The Structural Pest Control Board (SPCB) revoked the fumigator's license two years later.

- 1953 Kestie Pinkerton was denied a license by the Structural Pest Control Board because she was a woman. She appealed the ruling, was allowed to take the examination which she passed, and was a licensee of the Board for two decades.
- 1955 The California Department of Agriculture confirmed khapra beetle infestations in 16 California counties. Structural fumigation was 100 percent effective against the beetle. By 1955, methyl bromide was the structural fumigant of choice. Structural licensees developed fumigation processes still in use today.
- 1962 Rachael Carson's book "Silent Spring" changed the way consumers and regulators viewed the effect of pesticide use on the environment.
- 1972 DDT, which was widely used in structural pest control, was banned. Other chlorinated hydrocarbons were scrutinized for environmental effects.
- 1976 County agricultural commissioners conducted structural pest control inspections with the U.S. Environmental Protection Agency (U.S. EPA) funding.
- 1977 The U.S. EPA required the certification of all pesticide applicators. The California Department of Food and Agriculture ruled that the SPCB's licensing requirements complied with federal law.
- 1981 The California Department of Food and Agriculture, County Agricultural Commissioners Association and the SPCB entered into an interagency agreement covering the statewide structural pest control enforcement program.
- 1984 Legislation established the Structural Pest Control Enforcement Program.

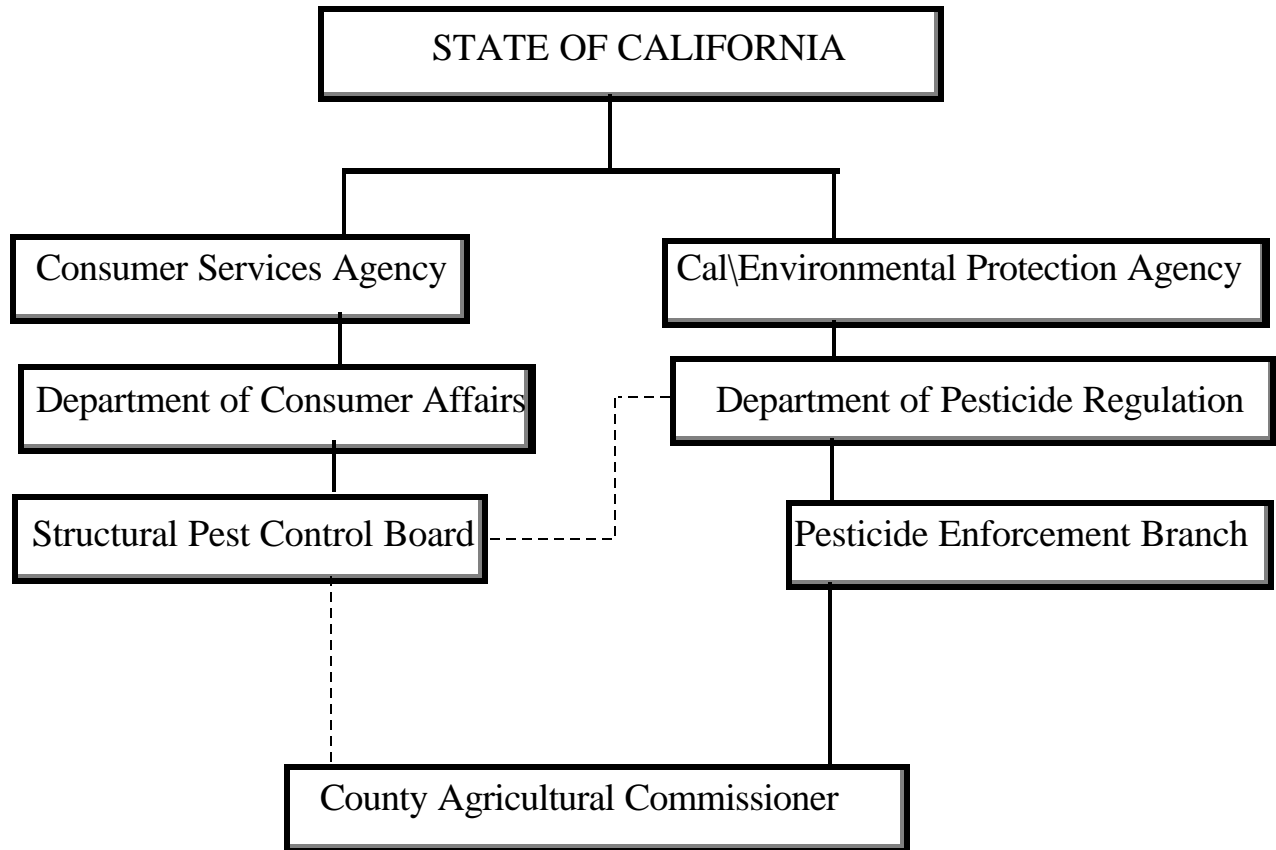
B. Structural Pest Control Enforcement Training Requirement

Business and Professions Code § 8616 states that no disciplinary action by a county agricultural commissioner may be taken in the Structural Pest Control Enforcement Program against a licensee of the SPCB until training has been completed. The training you are about to take fulfills this requirement.

C. Organization

In 1979, the governor designated the Department of Pesticide Regulation (formerly CDFA) as the lead agency for pesticide regulation. The Director of the Department of Pesticide Regulation (DPR), is designated by legislation as agent for the SPCB to administer pesticide use enforcement inspections and investigations. These activities are performed by county agricultural commissioners who are named by the director as representatives of DPR. The county agricultural commissioner is the lead agency for inspections and routine investigations of pesticide use by licensees and registered companies of SPCB.

D. ORGANIZATION CHART



E. Structural Pest Control Defined

Structural pest control includes the control of household pests and wood destroying pests or organisms, or such other pests which may invade households or other structures, including railroad cars, ships, docks, trucks, airplanes, or the contents thereof (excluding the application of tributyltin antifouling paints to ship hulls).

Some areas of pest control overlap both agricultural and structural uses. Discussions between DPR and SPCB are still underway but some activities,

which may be either agricultural or structural, are considered to be structural activities.

The following are under consideration as structural pest control activities:

- Ⓒ Bird control on homes, apartments, condominiums, commercial buildings, and similar structures that are connected or touching buildings (e.g., billboards).
- Ⓒ Termite control in a tree or tree stump for termites that are infesting a structure.
- Ⓒ Snail control when the infestation extends onto a structure. Treatment shall not go beyond areas immediately next to the affected structure.
- Ⓒ Structural licensees may treat the source or origin of the infestation (i.e., ant, flea, termite or rat nests), which may lead away from the affected structure, unless the pesticide label requires more stringent application guidelines.
- Ⓒ Extermination of bees from structures.

2. Authority

A. Code Sections indicated:

Ⓒ Food and Agricultural Code - FAC

Ⓒ California Code of Regulations, Title 3, Food and Agriculture - §§ 6000 through - 6920 - 3CCR

Ⓒ Business and Professions Code - B&P C

Ⓒ California Code of Regulations, Title 16, Professional and Vocational Regulations - §§ 1900 through 1999.9 - 16CCR

Your authority to inspect structural pest control operations is contained in both the Business and Professions Code and the Food and Agricultural Code.

B. Enabling law:

FAC § 15201. The Legislature hereby finds and declares that it is the joint responsibility of the Department of Pesticide Regulation, the commissioner of each county under the direction and supervision of the director, and the Structural Pest Control Board to regulate the activities of structural pest control licensees. The Structural Pest Control Board has responsibility for licensing persons and companies engaged in structural pest control work. The department has primary responsibility for enforcing pesticide laws and regulations.

FAC § 15202. In addition to the enforcement authority granted to the director and commissioners by this code, a commissioner, when acting pursuant to Section 8616.4 of the Business and Professions Code, may suspend the right of a structural pest control licensee to make pesticide applications in the county for up to three working days or levy a fine upon a licensee or unlicensed individual acting as a licensee as specified in Section 8617 of the Business and Professions Code. Appeals from these actions shall be to the Disciplinary Review Committee according to the procedures provided in Section 8662 of the Business and Professions Code.

C. Overall authority:

For structural pest control enforcement purposes, your authority comes from the Business and Professions Code. Originally, the director of the Department of Agriculture, as it was then called, was given authority to enforce the provisions of the Food and Agricultural Code. In 1984, the director of the Department of Food and Agriculture, and subsequently commissioners, were given the authority to enforce the provisions of the Business and Professions Code as they pertain to structural pest control. Previously, you had the authority to enforce general pest control laws and regulations under the Food and Agricultural Code.

B&P Code § 8616 The Director of Pesticide Regulation shall be designated by the board as its agent for the purposes of carrying out § 8616.4.

B&P Code § 8616.7 Inspections and Investigations by County

Agricultural Commissioner. When a county agricultural commissioner is acting, pursuant to § 8616.4, only the commissioner may conduct inspections and routine investigations pursuant to § 8616.5 and take disciplinary action pursuant to § 8617. Except as otherwise provided, nothing in this section shall be construed as limiting or excluding the assistance provided to the board by the Division of Investigation under B&P Code §§ 155 and 159.5 other than by board personnel.

As an inspector, you should know the source of your authority and use tact and discretion when applying it. It is important to gain the applicator's cooperation in this matter. Cooperation is best achieved with a professional attitude. You must take extra care when entering a residence to protect the privacy of the occupants. "When in doubt stay out" is a good motto if you are told to leave. The commissioner will decide on any further action.

D. The flow of authority:

B&P Code § 8616.4. The Director of Pesticide Regulation shall designate county agricultural commissioners as his or her representatives to carry out the provisions of §§ 8616.5, 8616.7, and 8617. The Director of Pesticide Regulation shall enter into a contract specifying their responsibilities and providing for reimbursement in accordance with § 8505.17.

E. Authority to inspect and investigate:

FAC § 11456(b).

The director may do all of the following:

(b) Enter upon any premises to inspect the premises or any plant, appliance, or thing which is on those premises.

This section gives you the authority to inspect pesticide applications and related issues.

Here is your authority to enforce Article 10 Recommendations and Usage.

FAC § 12977.

The director, and the commissioner of each county under the direction and supervision of the director, shall enforce the provisions of this article and the regulations adopted pursuant to it.

Here you are given the authority to enforce Article 10.5 Pesticides and Worker safety.

FAC §12982.

The director and the commissioner of each county under the direction and supervision of the director, shall enforce the provisions of this article and the regulations adopted pursuant to it. The local health officer may assist the director and the commissioner in the enforcement of the provisions of this article and any regulations adopted pursuant to it. The local health officer shall investigate any condition where a health hazard from pesticide use exists, and shall take necessary action, in cooperation with the commissioner, to abate any such condition. The local health officer may call upon the Office of Environmental Health Hazard Assessment for assistance pursuant to the provisions of Section 2951 of the Health and Safety Code.

B&P Code § 8616.5.

(a) The county agricultural commissioner shall be the lead agency for inspections and routine investigations of pesticide use by the board licensees and registered companies, and of persons engaged in unlicensed structural pest control. When a matter is referred to the board for action, the board shall be the lead agency and may require that the commissioner assist in any investigation.

3CCR § 6140. Inspection Authority.

(a) The director or commissioner may, during business hours, or if necessary to ensure immediate compliance, at any other reasonable time enter and inspect, and/or sample any of the following or related items in order to determine compliance with the provisions of this chapter and Divisions 6 and 7 of the Food and Agricultural Code, which pertain to pesticides and pest control operations.

- (1) Fields, areas, structures, and greenhouses where pesticides are handled, stored or applied;
 - (2) Growing crops and harvested commodities;
 - (3) Equipment (including protective clothing and equipment) used to store, transport or handle pesticides;
 - (4) Change areas and other facilities used by employees; and
 - (5) Pesticides and tank mixtures thereof.
- (b) Each person responsible, pursuant to the provisions of this division and Division 6 and 7 of the Food and Agricultural Code which pertain to pesticides and pest control operations, for preparing and maintaining records shall make those records available to the Director or commissioner during business hours upon demand of the Director or commissioner. Included in the required records are:
- (1) records concerning work hours, training and medical monitoring of employees;
 - (2) pest control recommendations and pesticide use and operations records; and
 - (3) pesticide transaction, sales and delivery records.

F. Authority to suspend a license and levy a fine

B&P Code § 8617.

(a) The board or county agricultural commissioners, when acting pursuant to § 8616.4, may suspend the right of a structural pest control licensee or registered company to work in a county for up to three working days or, for a licensee, registered company, or an unlicensed individual acting as a licensee, may levy a fine up to one thousand dollars (\$1,000) for each violation of this chapter, or any regulations adopted pursuant to this chapter, or Chapter 2 (commencing with § 12751), Chapter 3 (commencing with § 14001), Chapter 3.5 (commencing with § 14101), or Chapter 7 (commencing with § 15201) of Division 7 of the Food and Agricultural Code, or any regulations adopted pursuant to those chapters, relating to pesticides. Fines collected shall be paid to the Education and Enforcement Account in the Structural Pest Control Education and Enforcement Fund. Suspension may include all or part of the registered company's business within the county based on the nature of the violation, but shall, whenever possible, be restricted to that portion of a

registered company's business in a county that was in violation.

(b) Before a suspension action is taken or a fine levied, the person charged with the violation shall receive notice of the nature of the violation and shall be given an opportunity to be heard, including the right to review the commissioner's evidence and a right to present evidence on his or her own behalf.

(c) The person may appeal a fine or suspension to the Disciplinary Review Committee and shall be subject to the procedures in § 8662.

(d) If a suspension or fine is ordered, it may not take effect until 20 days after the date of the decision if no appeal is filed. If an appeal pursuant to § 8662 is filed, the order shall be stayed until 20 days after the committee has ruled on the appeal.

(e) Once final action pursuant to this section is taken, no other administrative or civil action may be taken by any state governmental agency for the same violation. However, action taken pursuant to this section may be used by the board as evidence of prior discipline, and multiple local actions may be the basis for statewide disciplinary action by the board pursuant to § 8620. A certified copy of the order of suspension or fine issued pursuant to this section or § 8662 shall constitute conclusive evidence of the occurrence of the violation.

G. Further Authority

FAC § 13101.

The Director, upon a finding that the use, handling, delivery or sale of a pesticide in violation of any provision of this division, or any regulation issued pursuant to it, is taking place, or appears imminent, and that activity, if allowed to proceed, will present an immediate hazard or cause irreparable damage, may issue an order to the persons responsible for that activity to cease and desist from further commission of the violation.

FAC § 13102.

The agricultural commissioner, upon a finding that the use, handling, delivery or sale of a pesticide in violation of any provision of this division, or any regulation issued pursuant to it, is taking place, or appears imminent, and that activity, if allowed to proceed, will present an immediate hazard or cause irreparable damage, may issue an order to the persons responsible for that activity to cease and desist from further commission of the violation.

Any person aggrieved by a cease and desist order issued by an agricultural commissioner may appeal the order to the director who shall affirm, modify, or rescind the order. The order of the agricultural commissioner shall remain in force during the appeal to the director, and until the director's decision has been rendered.

3CCR § 6706 Prohibit Worker entry if conditions are unsafe. Hazardous Areas.

When there is a reasonable suspicion by the Director or commissioner that a specific workplace has been or may be unsafe for workers due to exposure to active or inert ingredients in pesticide products, or breakdown products of these ingredients, the Director or commissioner may require the employer to prohibit entry of employees into that workplace. The Director or commissioner may require the employer to provide medical supervision for the period of time necessary for the Director to determine the safety of the workplace to protect employees who have been working in or will enter that workplace. This medical supervision may include biological monitoring of persons for possible over-exposure to pesticide product ingredients or breakdown products of these ingredients. The Director or commissioner may also specify exposure time limits and protective clothing and equipment to be worn by employees under these circumstances.

You may take action against a licensee, a registered company, an unlicensed individual. Make sure that the violation is for a citable section. Notice that the appeal process is different in structural civil penalties than it is in agricultural civil penalties. Here is a comparison of FAC sections and the corresponding B&P Code sections.

Pest Control

Here we compare the ag code definition of “pest control” followed by the B&P Code definition.

FAC § 11403.

"Pest control" means the use or application of any pesticide. It also means the use of any substance, method, or device to do any of the following:

- (a) Control pests.
- (b) Prevent, destroy, repel, mitigate, or correct any pest infestation or disorder of plants.
- (c) Inhibit, regulate, stimulate, or otherwise alter plant growth by direct application to plants.

B&P C § 8505.

"Structural pest control" and "pest control" as used in this chapter are synonymous. Except as provided in Section 8555 and elsewhere in this chapter, it is, with respect to household pests and wood destroying pests or organisms, or such other pests which may invade households or other structures, including railroad cars, ships, docks, trucks, airplanes, or the contents thereof, the engaging in, offering to engage in, advertising for, soliciting, or the performance of, any of the following: identification of infestations or infections; the making of an inspection or inspections for the purpose of identifying or attempting to identify infestations or infections of household or other structures by such pests or organisms; the making of inspection reports, recommendations, estimates, and bids, whether oral or written, with respect to such infestations or infections; and the making of contracts, or the submitting of bids for, or the performance of any work including the making of structural repairs or replacements, or the use of insecticides, pesticides, rodenticides, fumigants, or allied chemicals or substances, or mechanical devices for the purpose of eliminating, exterminating, controlling or preventing infestations or infections of such pests or organisms.

"Household pests" are defined for the purpose of this chapter as those pests other than wood destroying pests or organisms, which invade households and other structures, including, but not limited to, rodents, vermin and insects.

Licensing

Here is a comparison of the FAC and B&P Code sections on licensing.

FAC § 11701.

It is unlawful for a person to advertise, solicit, or operate as a pest control business, unless the person has a valid pest control business license issued by the Director.

B&PC § 8550.

(a) It is unlawful for any individual to engage or offer to engage in the business of, act in the capacity of, or advertise himself or herself as, or assume to act as, an operator or a field representative, or to engage or offer to engage in the practice of structural pest control, unless he or she is licensed under this chapter. For purposes of this subdivision, "engage in the practice of structural pest control" shall not include price quotations given by unlicensed employees of a registered company in response to a request for that information.

(b) It is unlawful for any firm, partnership, corporation, association, or other organization or combination thereof to engage or offer to engage in the practice of structural pest control, unless registered in accordance with Article 6 (commencing with Section 8610).

In structural pest control the term "operator" refers to the owner or qualifier of a structural pest control company. An operator may perform the same work as a field representative or applicator licensee. A "field representative" is an employee who sells the services of the company, identifies infestations and infections and may apply pesticides. An "applicator licensee" may apply pesticides in Branch II and Branch III but may not solicit sales or identify pests. We use the term "technician" to mean either a field representative or an applicator licensee. Operators and field representatives are certified applicators as defined in Federal Insecticide Fungicide Rodenticide Act but applicator licensees are not.

Exemptions

The following sections show the exemptions structural in each code.

FAC § 11531.

Except as provided in Chapter 6 (commencing with Section 12001), this division does not apply to any person while engaged in any of the following:

- (a) Any activity that is defined as structural pest control and required to be licensed under Chapter 14 (commencing with Section 8500) of Division 3 of the Business and Professions Code.
- (b) Preservative treatment of fabrics or structural materials.
- (c) Household or industrial sanitation services.
- (d) Seed treatment which is incidental to such person's regular business.
- (e) Live capture and removal or exclusion of vertebrate pests, bees, or wasps without the use of pesticides. Vertebrate pests include, but are not limited to, bats, raccoons, skunks, and squirrels, but do not include mice, rats, or pigeons. This section does not exempt a person from the provisions of Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code.

B&P Code § 8555. This chapter does not apply to:

- (a) Public utilities operating under the regulations of the Public Utilities Commission, except to work performed upon property of the utilities not subject to the jurisdiction of the Public Utilities Commission or work done by the utility for hire.
- (b) Persons engaged only in agricultural pest control work under permit or license by the Department of Pesticide Regulation or a county agricultural commissioner.
- (c) Pest control performed by persons upon property that they own, lease or rent, except that the persons shall be subject to the limitations imposed by Article 3 of this chapter.
- (d) Governmental agencies, state, federal, city, or county officials, and their employees while officially engaged.
- (e) Authorized representatives of an educational institution or state or federal agency engaged in research or study of pest control, or engaged in investigation or preparation for expert opinion or testimony. A

professional engaging in research, study, investigation, or preparation for expert opinion or testimony on his or her own behalf shall comply with the requirements of this chapter.

(f) Certified architects and registered civil engineers, acting solely within their professional capacity, except that they shall be subject to the limitations imposed by Article 3 of this chapter.

(g) Persons engaged in the live capture and removal or exclusion of vertebrate pests, bees, or wasps from a structure without the use of pesticides, provided those persons maintain insurance coverage as described in Section 8692. "Vertebrate pests" include, but are not limited to, bats, raccoons, skunks, and squirrels, but do not include mice, rats, or pigeons. This section does not exempt a person from the provisions of Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code.

3. License Requirements

The SPCB *registers* companies and *licenses* people. Structural pest control licenses issued by the board are classified in four specialties: Branch I, Fumigations; Branch II, General Pest Control; Branch III, Termite Control, and; Wood Roof Cleaning and Treatment. There are two types of unlicensed activities, operating outside the scope of a license and operating with no license at all.

A. Branch I. Fumigation

Two-story, multiple family residence prepared for fumigation.



Is a license required?	Title	Can do
Yes	Operator	Introduce fumigant, certify structure safe for reentry
Yes	Field Representative	Introduce fumigant, certify structure safe for reentry
No	Crew	Prepare structure for fumigation

Operators and field representatives are licensed in Branch I. Fumigators seal structures by enveloping them in plastic-coated tarpaulins. A new regulation will make the tape and paper sealing method illegal for methyl bromide. A fumigant (lethal pesticide) is introduced into the structure along with chloropicrin, a warning agent. The gas is held in the structure by the tarpaulins for a predetermined amount of time based on the pest being controlled and label requirements. In California, structural fumigators act primarily as subcontractors for Branch III companies. Structural fumigations are largely performed for the control of wood destroying pests. Branch I companies also work for Branch II companies as subcontractors for the control of infestations of store product pests and rodents.

Fumigants may be used in place of other pesticide formulations or mechanical methods of pest control for the following reasons:

- C Fumigants have the ability to kill insects and rodents where contact or residual pesticides will not reach them (e.g., in hollow wall spaces, under insulation, and inside wood timbers).
- C Fumigation may be a less expensive method of pest control.
- C Fumigation is the quickest method of controlling cockroaches, bedbugs, rats and mice.
- C Fumigants have little or no residual after aeration.

Fumigation provides quick effective control of all stages of clothes moths especially when the infestation is throughout a structure and localized treatment is ineffective. Carpet beetles are common pests of museum specimens as well as wool garments, skins and furs. Fumigation is effective against the inactive insect stages (egg and pupa).

Drywood termites are the most common wood destroying pests in the mid-coastal and southern regions of the state. Wood boring beetles and carpenter ants are the common pests in the central and northern regions.

B. Branch II. General Pest Control



Branch II truck inspection.

SPCB licenses operators, field representatives and applicators in Branch II. General pest control technicians (applicator licensees, operators, field representatives) perform most of the structural pest control in California. The most common pests controlled by these licensees are ants, earwigs, crickets, common household spiders, black widow spiders, cockroaches, fabric pests, stored food product pests, fleas, ticks, rats and mice. These licensees mainly apply pesticides to exterior perimeters and interiors of structures. Included in these structures are houses, multiple family dwellings, commercial structures, industrial structures, ships, docks, trucks, airplanes, or their contents.

Technicians in this speciality of pest control normally perform routine pest control maintenance for their clients on established routes. These services are performed monthly, every other month, or quarterly. A routine maintenance service contract usually starts with a procedure called a clean out or initial service when both interior and exterior areas are treated with pesticides.

Routine maintenance service for a residence is performed to the structure's exterior. For commercial clients, the service may include interior as well as

exterior pesticide applications. Pest control maintenance contracts usually entitle the client to free services between scheduled visits if a pest is found. These follow up services are referred to as callbacks or re-treats.

C. Branch III. Termite Control



Structural repair treated with wood preservative.

First, let us consider the different titles used in Branch III work.

Is a license required?	Title	May do
Yes	Operator	Inspect, treat, repair
Yes	Field representative	Inspect, treat, repair
Yes	Applicator	Treat, repair (no license needed to repair)
No	Plumber, carpenter, tile setter etc.	Repair

Termite control licensees inspect structures for wood destroying pests and organisms, supervise structural repairs, and apply pesticides.

These licensees destroy such pests as drywood, subterranean, and dampwood termites; powder post, and deathwatch beetles; and wood decay fungi. The termite control industry has three components: inspection, treatment, and repair. A Branch III licensee mainly inspects structures for wood destroying pests and damage. Occasionally, these licensees treat and repair, although a license is not needed for the repairs.

Termite repairs and treatments are usually performed by persons classified by SPCB as licensed applicators in Branch III. These licensees have received basic instruction in pesticide application, equipment, and safety.

Branch III companies perform pesticide applications for wood destroying pests and organisms excluding fumigation. In California, no pest control for wood destroying organisms may be performed until a "Wood Destroying Pest and Organism Inspection Report" has been made. If wood destroying pests or organisms are indicated on the report and a recommendation is made for their control, the name of the proposed pesticide must be on the report. The recommended work must first be authorized by the home owner or agent. This work is often done for real estate agents acting on behalf of property sellers. Once the work is completed, a document entitled, "Standard Notice of Work Completed and Not Completed" must be issued.

A substantial portion of the work of the termite industry is derived from a service called a "Control Service Agreement." A service agreement is a contract entered into by the homeowner and the termite company in which the company agrees to perform a termite inspection on an annual basis for a set fee. If infestation by termites or other wood destroying pests is found during the inspection, the termite company will provide a control service for no additional cost above the yearly service agreement fee. These control service agreements are very popular in southern California.

Subterranean termites are treated in the following ways:

- C **Sub-Soil Treatment** is the application of a termiticide to the soil areas under an existing structure.
- C **Trenching and Treating** is the excavation of soil around pier bases and concrete foundation walls and under and around the exterior of the foundation perimeter. This method entails application of the termiticide in the trench and

backfilling the trench with a mixture of termiticide and soil and covering the trench. Rodding and treating is a similar technique used when trenching is not possible.

- C **Sub-Soil Spot Treatment** is the application of a termiticide directly to the infested area of the subsoil only.
- C **Drilling and Treating** means the drilling through concrete (slab foundations, patios, walkways etc.), and injection of termiticide into the drill holes.
- C **Pre-Treatment** is the application of a termiticide to the soil prior to pouring a concrete slab and foundation of a structure.
- C **Wood Surface Application** is the application of a termiticide directly on the surface of, or injection into, a wood timber.

D. Wood Roof Cleaning and Treatment

These registrants inspect wood shake and shingle roofs and apply wood preservatives. They look for wood destroying fungi as well as non-decay fungi. They also inspect roofs for moss and lichen on wood roof coverings. After an inspection, they prepare a customer report indicating their findings and recommendations. The Board only registered a few companies. Branch III companies may also act as wood roof cleaning and treatment companies.

4. Unlicensed Activities and Unregistered Pesticides

The use of pesticides, which are registered for agricultural settings, but used in urban areas, is a national problem. The danger to the unsuspecting client is great. The costs for ridding residential areas of unregistered products have run into the tens of millions of dollars. Methyl parathion has been abused in this manner. You should be aware of this type of activity.

Here are profiles of the unlicensed applicator of agricultural pesticides in urban areas and the communities they have abused and the type of incident that arises from that abuse.

A. Community Profile

Certain elements are common to the communities where methyl parathion has been applied indoors. These elements include: Residents often but not always lack financial resources to afford routine medical care, residential structural

maintenance, and scheduled pest control;
Longstanding and severe structural pest problems particularly involving cockroaches, fleas, and rats; and
Strong cultural or ethnic ties to an agricultural community either within or outside the United States where use of restricted use pesticides is commonplace.

B. Incident Characteristics

The incidents which have occurred highlight the following characteristics regarding restricted pesticide use in the community:

- C The person who sells or applies the pesticide is highly respected by the community as a person who is solving a severe community problem.
- C The pesticide provides long term effectiveness regardless of structural maintenance or sanitation.
- C Symptoms of illness such as headaches, nausea, diarrhea may be:
 - C Considered an acceptable trade off for control of disease vectors such as rats and roaches; or
 - C Associated with a cold or flu and not with a pesticide misapplication; or
 - C Untreated due to the lack of routine medical care; or
 - C Misdiagnosed by medical professionals.
- C Community residents cannot afford legitimate pest control services.
- C Consequently, cheap illegitimate services are used which are not generally in direct competition with licensed commercial applicators who might report suspected misuse.

C. Applicator Profile

All the people arrested for applying or distributing restricted use pesticides for structural pest control were using them on a commercial basis in homes, businesses and institutions. There are some common elements in their business practices: The pesticide of choice in almost every instance is methyl parathion. The applicator or distributor has rarely obtained a business license. Frequently, the applicator has obtained a private applicator certification to enable purchase of the restricted use pesticide. Purchases of the restricted use pesticide have usually been in small quantities (5 gallons), by cash rather than credit, and without regard to special sale events or seasonal patterns.

5. Inspection Information and Procedures

Purpose of inspections

To document	compliance with	label requirements
		training
		Worker Protection Standard
		other regulations
To determine	mitigation of hazards to	persons
		property
		animals
To identify	requirements of	label
		regulations
To observe	employer's	safety program
	employee's	knowledge
		safety precautions

Further notes (1):

- a) You may be required to testify in a court of law or administrative hearing. Your report may also be introduced as evidence in the proceedings. It is acceptable evidence as it is covered by an exception to the hearsay rule. Make it as complete as possible so that any reader will accurately picture the situation. A complete report will assist others unfamiliar with the situation; write accordingly.
- b) Document each item of Personal Protective Equipment for each applicator, mixer, and loader. Complete this section then check the label and regulations to see what they should be wearing.
- c) A follow-up inspection must be made when a noncompliance is noted and not immediately corrected. Check the "Follow-up required" box specifying when the noncompliance must be corrected. Make it clear to the responsible

person that a follow-up inspection will be made. Your follow-up inspections are intended to see that the people being inspected are in compliance on a second visit. You may also need to conduct a follow-up inspection to cover training and documentation, medical supervision programs, and storage of safety equipment.

- d) Make a record of your Violation Notice or Cease and Desist Order. When you record a noncompliance, consult the Enforcement Guidelines to determine if an enforcement action or decision report is required.
- e) The form is a reference for possible later action. It records your observations at the time. You may record a noncompliance with a particular section of a particular code but when the time for administrative action arrives, you and your supervisors may decide to pursue that action under a different section of a different code. A frequent change is to FAC § 12973, conflict with the label.

Criteria for Completed Inspections

For the purposes of reporting your structural pest control inspections (PR-ENF-011, revised 06/98) on the Pesticide Regulatory Activities Monthly Report:

- C A completed **Branch 1 Fumigation** inspection is described in ENF 95-069, issued December 8, 1995, and includes all applicable criteria items listed in:
 - C B. Fumigation (Branch 1) -
 - C Closing or application phase;
 - C Opening or commencement phase; or
 - C Certification phase.
 - C ENF 95-069 sets a **minimum** standard for completed fumigation inspections. This does not limit your inspection activities. When applicable, your inspections should include applicable criteria items in Sections C, Pesticide Storage Site, and Section D, Equipment Inspection.
- C A completed **Branch 2 or Branch 3 Application / Mix Load** inspection includes all applicable criteria items listed in:
 - C A. Application/Mix Load Inspection,
 - C C. Pesticide Storage Site Inspection, and
 - C D. Equipment Inspection.
- C A completed **Headquarters / Employee Safety Record** inspection includes all applicable criteria items listed in:
 - C E. Headquarters/Employee Safety Record Inspection, and
 - C C. Pesticide Storage Site Inspection.

Inspection Procedures

Step	Procedure
1.	Wear appropriate personal protective equipment.
2.	Introduce yourself and your department.
3.	Review licenses and certification requirements.
4.	Check label requirements.
5.	Check regulatory requirements.
6.	Record detailed observations under remarks.
7.	Note noncompliances.
8.	Note corrective measures.
9.	Record Violation Notice and Cease and Desist Order if any.
10.	Give a copy of the inspection form to the person being inspected or send it to the company.

Further notes (2):

- (a) When noting a noncompliance, use the remarks section to record your observations. Detailed and complete information is essential for enforcement actions.
- (b) Do not check shaded boxes because they are not valid requirements.
- (c) You may verify information later if it is not available at the inspection site.
- (d) If you need to inspect the headquarters in another county, consult the agricultural commissioner of that county.
- (e) Every inspection requirement must be checked “Yes,” “No,” or “N/A” for the inspection to be counted on Report # 5. The time spent conducting incomplete inspections can only be reported under the “hours” section of Report # 5.
- (f) A Branch I fumigation has four parts, application, tarp removal, aeration and certification. Complete the section of the form titled “F. Aeration Inspection” only during the passive aeration phase when there are no technicians there to sign your inspection form. During the other three phases

of the operation, complete the section titled “B. Fumigation (Branch I)” and note which phase of the fumigation you are inspecting in the appropriate box by the section title.

- (g) Give a copy of the inspection form to the person being inspected. You must notify the registered company of any noncompliance. When responsible persons are not available, mail or deliver a copy of the inspection form to them. Have the person at the inspection site sign the form to validate it whether or not noncompliances are found. This identifies the person who was inspected.

**A. APPLICATION, & MIXING & LOADING INSPECTIONS, and
B. FUMIGATION, BRANCH I INSPECTIONS**

The first 21 items are for either Section A or B or both as indicated by the shaded areas on form PR-ENF-011. Items 2, 4, 7, 8, and 22-36 only apply to Section B. The description of these items begins on page 30.

Item 1. Annual Notification Submitted. FAC §15204

Scope: All registered structural pest control companies performing structural pest control in the county.

Exemptions: None

LDetermine if the Licensed Structural Pest Control Operator has notified the agricultural commissioner prior to performing structural pest control for hire in your county. This can be accomplished by reviewing the company's records on file. The notification should cover a calendar year, unless a shorter time is specified by the Structural Pest Control licensee.

Item 3. Written Notice to Occupant. B&P Code § 8538

Scope: All SPCB licensees.

Exemptions: None

LIf possible, interview the owner or occupant of the structure (house, apartment complex, etc.) and ask to review the written notice. The licensee performing the application may be the only person available. In this case, you should interview the licensee to determine if the Notice has been provided. The Notice is required to be provided at least 48 hours prior to fumigation unless the fumigation follows the inspection by a Branch III licensee by less than 48 hours.

Item 5. Registered Label Available at Use Site. 3CCR § 6602

Scope: All SPCB applicators.

Exemptions: None.

LAll registered labeling [including Section 24c (Special Local Needs) and Section 18 registrations (Emergency Exemptions)] which provide directions for use must be available at the use site. The use site (work site) is the actual area where the pesticide is being handled.

Item 6 Labeling - site/rate/concentration/other. FAC § 12973

Scope: All SPCB applicators.

Exemptions: The following uses are in compliance with this section:

- (a) A decrease in dosage rate per unit treated, except for termiticides used in pre-construction treatment B&P Code §1991[b]);
- (b) A decrease in the concentration of the mixture applied;
- (c) Application at a frequency less than specified;
- (d) Use to control a target pest not listed on the label, provided the application is to a commodity or site listed on the label and the use of the product against an unnamed pest is not expressly prohibited;
- (e) Employing a method of application not prohibited, provided other label directions are followed;
- (f) Mixing with another pesticide or with a fertilizer, unless such mixture is prohibited; or
- (g) An increase in the concentration of the mixture applied, provided it corresponds with the current published recommendations of the University of California.

⌞ Is the pesticide being handled in compliance with the label requirements? A review of the label at the site is necessary to ensure that the material is being used according to the label directions (i.e., site, rate, and concentration). Is the application or mixing or loading operation being performed under suitable climatic conditions, utilizing proper application methods and equipment, in compliance with labeled use directions? For example, is the applicator following directions for a crack and crevice or a spot application using the appropriate equipment and not broadcasting the material over a larger area?

Item 9. Labeling - Personal Protective Equipment FAC § 12973

Scope: All SPCB applicators.

Exemptions: None

⌞ Determine protective equipment requirements on the label for any handlers. Protective equipment and clothing requirements apply to anyone handling the pesticide including applicators, field representatives, a licensee, or the owner/operator. Ask employee applicators if the proper protective equipment such as gloves, respirators, eye protection, boots or apron have been provided. Inspect the protective equipment that is provided. Is it adequate to protect the applicator? Address each piece of equipment separately. It is a violation for use in conflict with the label if the pesticide handler possesses, but does not use, any of the safety equipment required by the label.

Item 10 Suitable methods / equipment / manner / climate. 3CCR § 6600

Scope: All SPCB applicators.

Exemptions: None

⌞ Is the application being conducted in a safe, careful, and effective manner? Are methods and equipment suitable to ensure proper application of the material? For example, an applicator with a stainless steel hand-held sprayer must use the proper tip to create a pin stream spray when making a crack and crevice treatment. Is the applicator using safety measures to provide protection for persons, property, and the environment and exercising general standards of care? Has the applicator

removed children's toys and pet food dishes prior to application to avoid contamination? Is the material being applied uniformly to avoid puddling? Is the placement of dry baits on porches or walkways appropriate? Watch for label statements such as, "Do not treat soil that is water saturated or frozen. Do not treat structures that contain cisterns or wells."

Item 11. **Accurate Measurement.** 3CCR § 6604. See also 3CCR § 6680 Prohibited Containers.

Scope: All SPCB applicators.

Exemptions: None

└Are pesticides being accurately weighed and/or measured? Are the measuring devices calibrated to the smallest unit in which the concentrate is being used? Estimating half a bag or part of a container is not an accurate measurement. Examples of improper devices would include an uncalibrated or unmarked container, an empty coffee or soda can, etc.

Item 12. **Protection of Persons/Animals/Property.** 3CCR § 6614

Scope: All SPCB applicators.

Exemptions: None

└Has the applicator, prior to and while making the application, evaluated the equipment, weather conditions, and area (both target and surrounding areas) to determine the likelihood of harm or damage?

Consider if there is:

- a. A reasonable possibility of contamination of the bodies or clothing of persons not involved in the application.
- b. A reasonable possibility of damage to animals (including bees), or other public or private property. Look for the animals' feeding trays, fish ponds, or stored food at the treatment site.
- c. A reasonable possibility of contamination of nontarget property, including the creation of a health hazard.

Item 13. Containers Properly Rinsed. 3CCR § 6684

Scope: All containers with less than 28 gallons capacity.

Exemptions: Containers being returned to the registrant. As described in [ENF 87 -34], aerosol containers are exempt under the following conditions:

- a) The aerosol containers are emptied to the extent possible under normal use.
- b) The aerosol containers are disposed at the use site and in accordance with label instructions.

LAre containers of concentrate material being adequately rinsed at the time of use? Is the rinsate being added to the mix-tank? If you don't observe the rinsing procedure, an inspection of empty containers is the best way to check for compliance. The rinsing procedure must include, or be equivalent to, at least triple rinsing and thorough draining of the containers. If containers do not appear to be rinsed, ask the pesticide handler the method of container disposal.

Unrinsed or improperly rinsed, containers are considered hazardous waste and must be disposed of in compliance with Title 22, CCR. Contact the local environmental health department or Department of Toxic Substances Control for more information.

Item 14. Employees Trained. 3CCR § 6724

Scope: All structural pest control applicators with employees.

Exemptions: Employees who are certified applicators or who have received appropriate training by another employer within one year.

LObserving a person's work during an application inspection is a good indication whether or not that person has been trained. It is a good practice to ask employees about procedures for securing the structure, bagging food, removal of medicine, plants, and pets, etc. Ask the licensees how they calculate the dosage, use a warning agent, know what type of safety gear to use, etc. Ask the employees about the organization and content of the pesticide training that they have received. Responses to these questions, as well as the employee's actions, are indicative of an employer's training program.

Item 15. **Emergency Medical Care Posting.** 3CCR § 6726

Scope: All registered structural pest control employees.

Exemptions: None

§ 6726(a) requires employers to arrange for emergency medical care when employees will be handling pesticides. It also requires employees to be informed of the name and location of the emergency medical care facility. Ask employees what they would do if the pesticide splashed in their faces. Ask them where they would go if they felt sick after handling the pesticide. Employers are required to post, in a prominent place at the work site or in the work vehicle, the name, address, and telephone number of an emergency care facility. The employer must post emergency procedures to be followed to obtain emergency medical care for employees that cover a wide geographical area. Check to see if posting is complete; it must contain all of the required information in order to comply with the provisions of 3CCR § 6726. Incomplete posting, presence of only a 9-1-1 or similar emergency response number, the local poison control center's number, or a supervisor's name with no additional information is inadequate. Medical care information that is kept inside of an employee's wallet or in the glove compartment of the work vehicle may provide the necessary information to the employee; however, it does not comply with the provisions of this section which require prominent displaying of the information.

Item 16. **Decontamination; signal word, Danger, Warning.** 3CCR § 6734

Scope: All structural pest control applicators.

Exemptions: None

Employers are required to provide clean water, soap, and towels for routine and emergency washing of the body when employees are handling pesticides with the signal word “DANGER” or “WARNING” on the label. Any source of clean water located within 100 feet of the site is satisfactory.

Item 17. Coveralls, Signal Word Danger, Warning. 3CCR § 6736

Scope: Structural pest control applicators.

Exemptions: 3CCR § 6736 (c) exempts fumigant users unless the label expressly requires the use of coveralls. This section does not apply to employees using vertebrate pest control baits and solid fumigants unless the pesticide product label requires the use of coveralls.

Employers are required to provide coveralls for each employee who handles any pesticide (except fumigants) with the signal word “Danger” or “Warning.” The employer must assure that the employees start each work day with coveralls, wear the coveralls when they are handling “Danger” or “Warning” pesticides, that they change their coveralls and wash at the end of the day. Employers also must assure that contaminated coveralls are not taken into the employees home.

Item 18. Employee Wearing Employer Provided PPE. 3CCR § 6702(c)



Branch I licensee wearing eye protection. Note the short sleeves violation.

Item 18. Employee Wearing Employer Provided Personal Protective Equipment. 3CCR § 6702(c) continued

Scope: All structural pest control applicators and handlers (employees).

Exemptions: None

⌞ It is the employee's responsibility to use personal protective equipment and other safety equipment required by the label or regulations and provided by the employer at the work site and in good condition.

Item 19. Eyewear Provided and Worn. 3CCR § 6738(a)(b)

Scope: All structural pest control applicators.

Exemptions: When applying vertebrate baits that are placed without being propelled by application equipment or solid fumigants (aluminum or magnesium phosphide).

⌞ Employers are required to provide protective eyewear for employees when the product labeling requires eyewear or when the employee is mixing, loading, adjusting, or repairing equipment and during hand applications.

The required eyewear shall provide front, brow, and temple protection. Required eyewear shall be one of the following:

- C Safety Glasses
- C Goggles
- C Face Shield
- C Full Face Mask in conjunction with respiratory protection

Item 20. Chemical Resistant Gloves Provided and Worn. 3CCR § 6738(a)(c)

Scope: All structural pest control Branch II and Branch III companies.

Exemptions: Owners and nonemployees handling pesticides. Employees are exempt when the pesticide label specifies that gloves must **not** be worn.

Employees applying vertebrate pest control baits using long-handled implements are exempt. Employees are exempt when handling “Caution” pesticides and a closed system.

L The employer must provide and maintain chemical resistant gloves, 3CCR § 6738(a). The employer must assure that handlers use chemical resistant gloves. Gloves are required whenever employees mix or load, work on contaminated equipment or use hand-held equipment. If a specific type of glove is not identified by the label, gloves that are used shall be made of rubber, neoprene, or some other chemical resistant material that provides equivalent protection from the pesticide being handled. Dirty, ripped, or cracked gloves are not adequate protective equipment and should be considered a violation.

Item 21. Other PPE, Boots/Apron /Respirator. 3CCR § 6738(a)(d)(e)(h)

Scope: All structural pest control applicators and handlers.

Exemptions: When the label specifically prohibits the use of these PPE. When applying vertebrate baits that are placed without being propelled by application equipment or solid fumigants (aluminum or magnesium phosphide). Persons using closed systems to handle “Caution” pesticides may substitute work clothing for required PPE.

Footwear 3CCR § 6738(a)(d)(e)(h)

L The employer shall assure when the use of chemical resistant footwear is specified by the pesticide labeling that one of the following types of footwear is worn.

- C Chemical resistant shoes
- C Chemical resistant boots
- C Chemical resistant shoe or boot coverings.

Headgear 3CCR § 6738 (e)

L The employer shall assure when chemical resistant headgear is required by the pesticide labeling that either a hood or a chemical resistant hat with a wide brim is worn.

Respiratory Equipment 3CCR § 6738 (h)

└ When the use of respiratory equipment is specified by the label or required by regulation, it must be maintained by the employer and provided to employees by the employer who must ensure its use. Proper selection of respiratory equipment must be made according to the pesticide label. Check to make sure that the proper cartridges are being used. Does the respirator appear to be relatively clean? Are the straps and rubber face piece in good condition? Check the inhalation and exhalation valves. Are they warped or missing?

Criteria items 2,4,7 and 8 do not apply to applications and mixing and loading.
Criteria items 22 to 36 are for Fumigation Branch I only.

B. FUMIGATION. BRANCH I.

Criteria Items

Item 2. **County Notified 24 Hours Prior.** B&P Code § 8505.5

Scope: All registered structural Branch I companies.

Exemptions: If the commissioner does not require a notice.

LHas a complete notice been properly submitted at least 24 hours prior to the start of operations stating the time and place the fumigation will take place?

Item 4. **Pesticide Disclosure Signed/Available.** CCR § 1970.4

Scope: All registered Branch I structural pest control companies.

Exemptions: None

The licensee must have, in his or her possession, a signed Pesticide Disclosure Notice at the time the fumigant is released. The Notice must be signed by the occupant(s), or in the case of an unoccupied dwelling, by a designated agent such as a realtor, property manager, or any other person in charge of the property. The owner, manager, or designated agent of multiple-family dwellings is required to obtain signatures and/or verify the notification was provided to the occupants.

The Notice must include the following information:

- a. The pest(s) to be controlled;
- b. The pesticide(s) or fumigant(s) proposed to be used;
- c. Active ingredients(s);
- d. Health cautionary statement;
- e. A statement that a lethal gas will be used;
- f. Fumigation dates;
- g. A statement that entry or return to the structure is unsafe until a certification notice for reentry is posted by the licensed fumigator; and
- h. Preparation procedures for occupants leaving the structure (i.e., remove persons, animals, plants, food and medicine bagged or removed, etc.).

The Notice shall be in possession of the licensed fumigator when the fumigant is released, and become a permanent part of the fumigation log (B&P Code § 1970). Review the Notice with the licensee. Is it signed by the occupants or a designated agent (i.e., a realtor) and does it contain the required information?

Item 7. Labeling - Aeration/Reentry. FAC § 12973

Scope: All SPCB Branch I licensees.

Exemptions: None

└ Licensees shall follow label requirements for aeration and reentry.

Item 8. Labeling - Other (Bagging, pets removed etc.)



Food properly bagged.

Scope: All SPCB Branch I licensees.

Exemptions: None

└ Licensees shall follow label requirements for the bagging of food and medicines and removal of pets and other items from the fumigation site prior to the introduction of the fumigant. See ENF 97-77 Nylofume® bags and Vikane®.

Item 22. **Tarp Removal and Aeration Plan Followed.** FAC § 6780(b)(c)

Scope: All registered Branch I companies.

Exemptions: None

L The employer must ensure that employees who handle fumigants during introduction and aeration are not exposed above the Pesticide Exposure Level (PEL) for airborne contaminants listed in Title 8, CCR, § 5515. This requirement serves as a backup to fumigant label instructions regarding worker exposure. Many fumigant labels have improved instructions that advise about exposure levels and when respiratory protection is necessary. Ask the licensees how they measure fumigant levels at the work site. If you suspect levels are not being controlled and employees may not be fully protected, ask the licensee to test for fumigant levels or test the working atmosphere yourself to establish exposure in excess of the PEL (refer to WHS 89-11 for listing of PELs). If exposure is determined to be above the PEL the employer must provide, and employees must use, air-supplied respiratory protection.

Self Contained Breathing Apparatus may not always be practical due to conditions at the work site (i.e., use on ladders, on rooftops pulling tarps, etc.). During clearing operations following fumigation of a typical residential structure, an overexposure situation to employees may exist. For this reason, the employer is given alternative methods (§ 6780[b][c]) of providing for exposure mitigation. An industry standard which outlines a Tarpaulin Removal Aeration Plan (revised April 18, 1990) has been established through a cooperative effort by the Pest Control Operators of California and DPR. This Plan is one method which allows the employer to modify the work site to reduce or manage the airborne hazard by means other than just requiring employees to wear a SCBA. Each structure may present unique aeration problems that must be assessed at each work site. Common sense and good practice dictate that when atypical sites are aerated, personnel must rely on additional monitoring and respiratory protection to ensure exposure remains below 5 ppm to either methyl bromide or sulfuryl fluoride. Contact the Worker Health and Safety Branch if you find a work site in need of, or a licensee interested in developing, a fumigation safety program.

* See Appendix regarding the **Tarp Removal and Aeration Plan**.

Item 23. Accident Response Plan at Work Site. 3CCR § 6780(d)

Scope: All registered Branch I companies.

Exemptions: None

LIn the event of an accident or an emergency situation (i.e., spills, fire, leaks, etc.) other than normal operating conditions, the employer must have an Accident Response Plan at the work site to protect employees. Is a Plan available on the site? At least two basic pieces of information should be included in the Accident Response Plan. The first should be the availability of information regarding the security of the area where the problem occurred. The second is information on who to contact in the event of a problem. Contacts may be the operator of the property, fire department, or other persons who may be useful in an emergency situation.

Emergency information must be written and available at the work site, especially the emergency phone numbers. This information should also be covered by the operator (employer) of the business through the normal training required by regulation. Through the Label Improvement Program and new Registration Standards, general information on spills and leaks are available on the label. During an inspection, you should ask the applicators what actions they would take if an accident, leak, etc., occurs. If the applicator refers to the appropriate section on the label and produces phone numbers of persons to contact in an emergency, it is probable that they are informed of an Accident Response Plan.

Item 24. Two Trained Employees at Fume and Aeration. 3CCR § 6782(a)

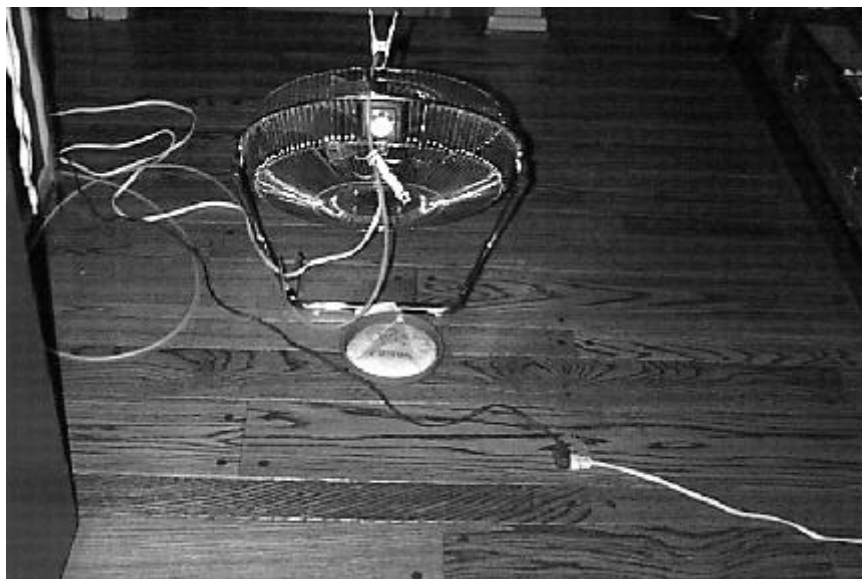
Scope: All SPCB Branch I licensees.

Exemptions: None

LAre two trained persons present during introduction of the fumigant, when commencing aeration, and when determining the concentration of the fumigant prior to reentry? Are the employees trained in the use of SCBA equipment?

Item 25. **Warning Agent/Fans Used, Methyl Bromide.** 3CCR §6454(b)

Chloropicrin pan in the airstream of a fan.



Scope: All SPCB Branch I licensees.

Exemptions: None

⌞ When methyl bromide with chloropicrin warning agent is used to fumigate a structure, one or more fans must be used to adequately disperse the fumigant. The fumigant must be released into the airstream of a fan. In the case of a multiple-story structure, at least one fan should be placed on the second floor to facilitate dispersion. When chloropicrin (warning agent) is introduced, it must be placed in a shallow dish over cotton or some similar absorbent material and released into the airstream of a fan. Prior to the introduction of the fumigant, a walk-through can be performed to check for adequacy of fan placement.

Item 26. Direct Supervision at Fume and Aeration. B&PC § 8505.2

Scope: All SPCB Branch I licensees.

Exemptions: None

└ Structural fumigations shall only be performed under the direct and personal supervision of a Branch I operator or field representative of the SPCB. “Direct and personal supervision” means that the licensee exercising such supervision shall be present at the site of the fumigation during the entire time the fumigants are being released, the time the ventilation is commenced, and at the time property is released for occupancy.

Item 27. Structure Vacated / Certified for Reentry. B&P Code § 8505.7

Scope: All SPCB Branch I licensees.

Exemptions: None

└ A fumigated structure must be aerated and tested prior to certification and posting for reentry. A structure can only be certified by a licensee (operator or field representative). What type of device does the licensee have to test for completeness of aeration? Is the device adequate (i.e., Draeger Pump for methyl bromide, Interscan analyzer for sulfuryl fluoride) to test for the fumigant used? If the work crew has removed the tarps and must leave the site prior to certification, the warning signs must remain posted and the structure must be secured against entry.

Item 28. Warning Signs on All Sides of Structure. 16CCR § 1974

Scope: All SPCB Branch I licensees.

Exemptions: None

└ Prior to commencement of fumigation, fumigation warning signs shall be posted on the structure at or near all entrances and on each side of the structure. They

shall also be placed on the outside surface of the tarps and visible on all accessible sides of the space under fumigation no matter from which direction the site is approached. Fumigation warning signs shall be posted at all joint seems of the tarp at the first floor level.



Item 29. Effective Secondary Locks. 16CCR § 1970.3

Nail used to secure garage door.

Keyway lock - secondary lock.

Scope: All SPCB Branch I licensees.

Exemptions: None

LPrior to fumigation, all outside doors on the structure must be secured with a secondary lock. A secondary lock may consist of a padlock, keyway lock, clamshell lock, or any other device that will prevent opening by anyone other than the licensee in charge of the fumigation. Ask the licensee questions about secondary locks (i.e., what type are available, what do they use in different situations, what do they intend to use on the job, etc.?). Walk through the structure prior to the introduction of the fumigant, checking all outside doors, including garage doors and sliding glass doors, for proper secondary locks. Staples are specifically prohibited.

Item 30. **Required Information on Warning Signs.** B&P Code § 8505.10



Warning sign without required information.

Scope: All registered structural pest control Branch I companies.

Exemptions: None

L Warning signs shall be printed in red on white background and shall contain the following statement in letters not less than two inches in height: “DANGER--FUMIGATION.” They shall also have a skull and crossbones not less than one inch in height and shall state in letters not less than one half inch in height the:

- C Name of the fumigant used
- C The date and time the fumigant was injected into the structure
- C Name, address, and telephone number of the registered company performing the fumigation
- C Warning signs placed inside a tarp do not need the time of fumigation. See ENF 96-068 (Amended).

Item 31. **Signs in attic or Underarea.** B&P Code § 8505.11

Scope: All SPCB Branch I licensees.

Exemptions: None.

L Immediately after completion of the fumigation, a durable sign no less than 5" x 7" in size stating the company name, the date of fumigation, and the type of fumigant used must be posted by the licensee adjacent to the entrance of the attic and underarea.

Item 32. **Two SCBA Available.** B&P Code § 8505.15

Scope: All SPCB Branch I licensees.

Exemptions: None

L Registered companies are required to have two National Institute of Occupational Safety and Health and Mine Safety Health Administration approved SCBA's readily available to a fumigating crew whenever a fumigant is released or during the aeration of a structure. Check the pressure gauge on the air tanks. Do they have enough air to complete the job? If not, are extra tanks available? The minimum allowable working pressure is considered to be 1500 psig (pounds per square inch gauge). The American National Standards Institutes (ANSI Z88.5 - 1981 6.3.3.1 , "Replacement of Used Items") calls for replacement or refilling of cylinders which are below 80 percent of the pressure stamped on the cylinder.

Item 33. **Proper Entry / Fumigated Enclosed Spaces.** 3CCR § 6782

Scope: All registered Branch I employees.

Exemptions: None

L Unprotected employees are prohibited from entering a fumigated enclosed space unless the concentration in the area is known to be at or below the permissible exposure limit (PEL). Employees who are wearing the proper respiratory

equipment are allowed to enter a fumigated enclosed space to determine the fumigant concentration or facilitate aeration. Ask the licensee how they determine the fumigant concentration. Is test equipment, such as a Draeger pump or Interscan Analyzer, available on site? If you question whether or not the structure has been treated, ask the licensee to take another test in your presence.

Item 34. Proper Management of Treated Area. 3CCR § 6782

Scope: All registered structural pest control Branch I companies.

Exemptions: None

└ After fumigation, the employer is responsible for determining how the work site should be managed. Employees must not be allowed in areas where off-gassing will result in concentrations in excess of the PEL.

Item 35. Safety Kit / Test Equipment Available. 16CCR § 1971

Scope: All registered structural pest control Branch I companies.

Exemption: None

└ All Structural fumigation crews are required to have in their possession on the job a fumigation safety kit containing the following:

- C Antidotes and instructions for administering them for each type of fumigant used.
- C Statements of instructions published by the manufacturer of the fumigants.
- C Two or more effective SCBAs.
- C Chart of instructions for artificial resuscitation.
- C Proper testing equipment capable of measuring the required amount of fumigant.
- C Crews shall be instructed in the use and care of the kit and safety equipment.

C. PESTICIDE STORAGE SITE INSPECTION



Chloropicrin and measuring device in truck storage compartment.

Purpose

A Storage Site Inspection determines whether or not the company has control over pesticide containers, stores them properly, and identifies the storage site with signs. They must store pesticides, partial and empty containers, in a manner which does not present a hazard to persons or property. If you inspected a company's mobile storage site(s) within the last two years and found good compliance, then you may exercise discretion in choosing to re-inspect these sites during this time period. Inspect all storage sites at a company's headquarters whenever you conduct a records inspection.

Criteria Items

Item 1. **Pesticides Properly Stored/Locked.** 3CCR § 6672(b)

Scope: All structural pest control applicators.

Exemptions: Attended containers are exempt.

LAsk the business operator where pesticides are stored. If the company has more than one storage area at different locations, a separate inspection should be done at

each site. Make a list of the pesticides in case you want to obtain a label at a later date to check for use compliance. Are pesticides and empty containers stored in a locked enclosure? Are pesticides stored in proper containers? Personal control of containers is allowed if they are attended at all times.

“Attended” means a responsible person present in the vicinity at all times to maintain control over the pesticide to prevent contact by unauthorized persons. Adjacent to roadways or populated areas, a person must have pesticides in sight. The materials listed in 3CCR § 6402 (Exempt Materials) are also exempted from storage requirements under 3CCR § 6686 (b). This exemption may be waived if the commissioner determines that there is a hazard to public health or the environment.

“Enclosure” means a truck or trailer with side racks, the top of which is a minimum height of six feet above the ground, a lockable storage compartment, or a locked, fenced area.

Item 2. Storage Area Posted. 3CCR §6674

Scope: All structural pest control applicators.

Exemptions: If only “Caution” pesticides are in storage, they are exempt.

Ⓙ Pesticide storage signs must be visible from any direction of probable approach and shall be posted around all storage areas where containers that hold, or have held, pesticides. Each sign shall be labeled with signal words “Warning” or “Danger” according to which type of pesticide container is stored there. The signs shall say:

**DANGER
POISON STORAGE AREA
ALL UNAUTHORIZED PERSONS KEEP OUT
KEEP DOOR LOCKED WHEN NOT IN USE**

See ENF 88-31 to determine whether pest control service vehicles are required to be posted with the poison storage area signs specified in 3CCR § 6774. In the case of an operator who does not have a fixed storage facility and whose pest control service vehicle is the exclusive area for storing pesticides, posting of the vehicle is required providing the pesticides involved are labeled with the signal words “Danger” or “Warning”.

Item 3. Pesticides Properly Labeled. 3CCR §6676

Scope: All SPCB Licensees

Exemptions: None

Are all pesticide containers (except service containers), carrying the registrant's label? This pertains to rinsed containers as well as those with pesticide contents.

Item 4. Service Container Labeling. 3CCR § 6678



B&G sprayer with service container tag.

Scope: All SPCB Licensees

Exemption: None

⌞Service containers are used to hold, store, or transport any pesticide or its use dilution. Service containers must be identified with the name and address of the owner or firm who is responsible for the container and the identity and appropriate signal word of the pesticide. Examples of violations include containers with incomplete labels, labels on containers normally used for food or drink, or labeling on a hand held sprayer for two different pesticides.

Item 5. Pesticides in Proper Containers. 3CCR § 6680

Scope: All SPCB licensees.

Exemptions: None

⌞If service containers are observed, examine them to assure that pesticides are not being stored in prohibited containers commonly used for food, drink, or household products. Examples of improper storage containers include an empty coffee can, a soda bottle, or a plastic food storage container.

Item 6. Containers Properly Rinsed. 3CCR § 6684

Scope: All containers with less than 28 gallons capacity.

Exemptions: Containers being returned to the registrant. As described in ENF 87-34, aerosol containers are exempt under the following conditions:

- a) The aerosol containers are emptied to the extent possible under normal use.
- b) The aerosol containers are disposed at the use site and in accordance with label instructions.

⌞Are containers of concentrate material being adequately rinsed at the time of use? Is the rinsate being added to the mix-tank? If you don't observe the rinsing procedure, an inspection of empty containers is the best way to check for compliance. The rinsing procedure must include, or be equivalent to, at least triple rinsing and thorough draining of the containers. If containers do not appear to be rinsed, ask the pesticide handler the method of container disposal. Unrinsed, or improperly rinsed, containers are considered hazardous waste and must be disposed of in compliance with Titles 22 and 23, CCR. Contact the local health department or Regional Water Quality Control Board for more information.

D. EQUIPMENT INSPECTION

Purpose

Pest control equipment should be inspected while in use, during routine Structural Pest Control inspections. This allows you to assess the general safety, condition and operation of equipment.

Criteria Items



Airgap between hose end and tank.

Item 1. **Backflow / Airgap Used.** 3CCR § 6610

Scope: All registered structural pest control companies.

Exemptions: None

Each piece of application equipment that handles pesticides and draws water from an outside source (water well, supply line, etc.) must be equipped with some type of backflow prevention device that is approved by the local health agency and water purveyor. Criteria for the following examples of devices to prevent

backflow or reverse siphoning can be found in Title 17 of the Health and Safety Code, § 7583:

- a. Air-Gap Separation - physical break between the supply line and the receiving vessel.
- b. Double-Check Valve Assembly - an assembly of at least two independently acting check valves including tightly closing shut-off valves on each side of the check valve and test cocks available for testing the water tightness of each check valve.
- c. Reduced Pressure Principle Backflow Prevention Device - backflow prevention incorporating not less than two check valves, an automatically operated differential relief valve located between the two check valves, a tightly closing shut-off valve on each side of the check valve assembly, and equipped with necessary test cocks for testing.

Item 2. **Equipment Properly Identified.** 3CCR § 6630

Scope: All registered structural pest control companies.

Exemptions: None

└ Structural Pest Control businesses must identify each service rig and similar equipment with markings readable at a distance of 25 feet. The identification must include either: (1) the business name; or (2) the Pest Control Operator license number and a statement such as "Licensed Pest Control Operator," "Fumigation Division," or similar wording.

Item 3. **Pesticides Locked / Attended.** 3CCR § 6670

Scope: All SPCB licensees.

Exemptions: None

Are pesticides and containers properly attended? Pesticide containers are considered unattended if personal control over them is not maintained at all times. A tank of dilute pesticides on a service vehicle must be locked while the applicator is away from the vehicle. Hand held sprayers containing dilute pesticide must be locked to the vehicle or similar immovable object or stored in a "lock box" if left unattended on a vehicle.

Item 4. **Service Container Labeled.** 3CCR § 6678

Scope: All SPCB licensees.

Exemptions: None

Service containers are used to hold, store, or transport any pesticide or its use dilution. Service containers must be identified with the name and address of the owner or firm responsible for the container, the identity, and appropriate signal word of the pesticide.

Item 5. **Proper Transportation / Pesticides.** 3CCR § 6682

Scope: All SPCB licensees.

Exemptions: None

Check the inside of the operator's service vehicle for any pesticides or pesticide containers that should be carried in a separate compartment. Also, check to see if pesticide containers are secured to the vehicle in a manner that would prevent spillage onto or from the vehicle. Often, the operator will have a metal or fiberglass type "lock box" for this purpose.

Item 6. Equipment in Good Repair & Safe. 3CCR § 6742

Scope: All SPCB licensees.

Exemptions: None

└ This is a general safety requirement applicable to all pest control operations and can be used to mitigate an equipment hazard. Equipment that is used for pest control must be kept in good repair and must be safe to operate. Does the equipment operate without leaks? Check the application equipment in operation to determine if the spray tank, valves, coupling and hoses are in good condition and not leaking. If the service vehicle has a spray tank and hose reel, pay close attention for leaks at the swivel coupling located where the tank feeder hose joins the reel. Sometimes leaks will not appear unless the reel is turning. You may ask the applicator to pull off a few feet of hose while observing the coupling. All openings on tanks used for mixing or applying pesticides must have tank covers that will prevent spills and splashes. Tanks with a capacity of more than 49 gallons which contain pesticides with the signal word “Danger” or “Warning” on the label must have a sight gauge or some other method of determining internal liquid level.

Item 7. Pesticide Handling / Use / Storage 16CCR § 1983

Scope: All structural pest control applicators

Exemptions: None

└ Servicemen’s kits shall be handled with extreme caution and protected from children and unauthorized persons. Pesticide storage on trucks shall be locked or attended. Food and drugs shall be covered or protected from pesticide contamination. Rodenticides and avicides shall be inaccessible to children and pets. Upon termination of a service, all rodenticides and avicides shall be removed. No oil-based insecticide may be used near an open flame or active heater. Bait stations shall be marked with the signal word on the label, the name of the pesticide and the name, address, and phone number of the structural pest control company. An empty, locked, posted building which is in control of the registered company, is deemed to be a bait station.

E. HEADQUARTERS / EMPLOYEE SAFETY RECORDS INSPECTION

Purpose

This inspection is to determine the licensing and registration status, record-keeping conformity, and proper supervision of applications by a qualified person. Prior to conducting the inspection, check county office records for registration information, previous inspections, and use reporting. Note any recent deficiencies. It may be desirable to make prior arrangements with the Structural Pest Control Operator for routine inspections.

Conduct Headquarters/Employee Safety Records Inspections based on the compliance history of the company and the goals identified in your county's Negotiated Work Plan.

Criteria Items

Item 1. **Annual Notification Submitted.** FAC § 15204

Scope: All registered structural pest control companies.

Exemptions: None

LDetermine if the Licensed Structural Pest Control Operator has notified the agricultural commissioner prior to performing structural pest control for hire in your county. This can be accomplished by reviewing the company's records on file. The notification should cover a calendar year, unless a shorter time is specified by the Structural Pest Control License.

Item 2. Pesticide Use Records Available. FAC § 15205

Scope: All registered structural pest control companies

Exemptions: None

L Did the Structural Pest Control Operator have available, and allow you to inspect, records pertaining to pesticide use (i.e., training records, employee safety records, application records, etc.) at the place of business during regular business hours?

Item 3. Fumigation Log. 16CCR § 1970 (a)

Scope: All registered Branch I companies.

Exemptions: None

L Registered structural pest control companies must maintain for two years, a log or report for each fumigation job and for each pest control operation. The fumigation log shall contain the following information:

- C Name and address of the prime contractor
- C Name and address of subcontractor, if any
- C Address of property
- C Name of owner or agent
- C Type of structure as to details of roofing and walls
- C Cubic feet fumigated
- C Target pests
- C Kind of fumigants used
- C Name of warning agent and amount used. Type of sealing method used
- C Weather conditions as to temperature and wind
- C Time gas introduced (date and hour)
- C Name of licensee making final test
- C Names of crew at fumigation
- C Names of crew at opening
- C Time fire department was notified, when required by local ordinance
- C Time police department notified, when required by local ordinance

- C Time ready for occupancy
- C Signature of licensed operator or the field representative in charge.

Registered Branch I companies are required to maintain a log of each fumigation job performed.

Item 4. **Monthly PURs Submitted / Kept.** B&P Code § 8505.17

Scope: All registered structural pest control companies

Exemptions: None

L Registered companies are required to file and keep monthly pesticide use reports. Structural pest control companies are required to file negative use reports B&P Code § 8505.17 The Pest Control Business's copy of the pesticide use report does not need a use stamp.

Item 5. **Notice to Occupant.** B&PC § 8538

Scope: All registered structural pest control companies

Exemptions: None

L A Structural Pest Control applicator, field representative, or employee of a registered company must provide the owner, owner's agent, and tenant in the case of a multiple-family dwelling, clear written notice prior to initial treatment with a pesticide. If a contract for periodic service has been executed, the Notice is only required at the time of initial treatment. If the pesticide to be used is not identified in the original Notice, another Notice is required.

The Notice must contain the following information:

- a. Pest(s) to be controlled;
- b. Pesticide(s) to be used, and active ingredient(s); and
- c. Statements regarding pesticide general toxicity, what to do if symptoms are experienced, and who to contact for additional information.

The initial Notice and any changes must be given in at least one of the following ways:

1. First class mail;
2. Posting in a conspicuous place on the real property; or
3. Personal delivery.

The intent of the requirement to give notice is to assure that persons owning or occupying a single-family dwelling and tenants in a multiple-family dwelling are adequately notified prior to and after a pesticide application. The information provided must include the name and nature of the pesticides, precautions to be taken, and who to contact if there are questions or concerns about the pesticide or the application.

Item 6. Pesticide Use Records. 16CCR § 1970 (b)

Scope: All registered structural pest control companies.

Exemptions: None

└ The report for each pest control operation *other than fumigation* in which a pesticide was used shall contain the following information:

- ┆ Date of treatment.
- ┆ Name of owner or agent.
- ┆ Address of property.
- ┆ Total area treated.
- ┆ Target pests.
- ┆ Pesticide and amount used.
- ┆ Identity of person or persons who applied the pesticides.

These records must include all the information specified in this section, according to application type, and may be maintained as a log or report. A company is in compliance with the requirements of 16CCR § 1970 if copies of service contracts, invoices, route slips, or service tickets include all of the required information and are maintained for two years.

Item 7. **Hazard Communication Displayed.** 3CCR § 6723

Scope: All registered structural pest control companies and employees.

Exemptions: None

Look for the N8 display where employees begin their work day. If noncompliances were noted at a prior inspection, check the appropriate records. What was the noncompliance? What records should you look for as a result?

Item 8. **Complete Written Training Program.** 3CCR § 6724

Scope: All registered structural pest control companies.

Exemptions: None

Employers are required to have a written training program. The training program shall describe the materials and information that will be provided and used to train employees and identify the person or firm that will provide the training.

Item 9. **Training Prior to Handling.** 3CCR § 6724(d)

Scope: All registered structural pest control companies.

Exemptions: Employees who are certified applicators or who have received appropriate training by another employer within one year.

Training shall be completed by the employee prior to handling pesticides. The training program must be updated to cover any new pesticides that will be handled, and repeated at least annually thereafter.

Item 10. **Emergency Medical Care Posting.** 3CCR § 6726

Scope: All registered structural pest control companies.

Exemptions: None

§ 6726(a) requires employers to arrange for emergency medical care when employees will be handling any pesticides. It also requires employees to be informed of the name and location of the emergency medical care facility. Employers are required to post, in a prominent place at the work site or in the work vehicle, the name, address, and telephone number of an emergency care facility. Check to see if this posting is complete; it must contain all of the required information in order to comply with this Section. Incomplete posting, presence of only a 9-1-1 or similar emergency response number, the local poison control center's number, or a supervisor's name with no additional information are all inadequate. Medical care information that may be kept in an employee's wallet or in the glove compartment of the work vehicle may provide the necessary information to the employee; however, it does not comply with the provisions of this Section which require the information to be prominently displayed.

Item 11. **Change Area “Danger” “Warning.”** 3CCR § 6732

Scope: All registered structural pest control companies.

Exemptions: None

§ 6732 When any employee regularly handles pesticides with the signal word “Danger” or “Warning” on the label, the employer must provide adequate water, soap and clean towels so that employees may wash at the end of the workday. A clean pesticide-free place must also be provided where employees can change out of their work clothing and store personal clothing that is not being used while at work. Employers should encourage employees to shower as soon as possible after work. The purpose of this regulation is to ensure that employees remove any pesticide contamination, protecting not only themselves but also the residents. While some employers have chosen to provide shower facilities, the provisions of this section only require that employers provide adequate wash water in order to remove any contamination from the body, such as hands and face.

Item 12. **Storage of Safety Equipment.** 3CCR § 6738(a)

Scope: All registered structural pest control companies.

Exemptions: None

⌞ The employer must not only provide safety equipment, but must also require that equipment is kept in a clean, specially designated place when not in use. Examples of proper storage are lockers or an assigned tote bag. Equipment left on the floor, or stuffed under the seat, of a mixing or loading vehicle is not considered properly stored. A pesticide storage area is not a proper place for storage of safety equipment.

Item 13. **Written Respiratory Procedures.** 3CCR § 6738(h)

Scope: All registered structural pest control companies.

Exemptions: None

⌞ Employers are required to have written operating procedures for selecting, fitting, cleaning and sanitizing, inspecting and maintaining respiratory equipment.

Item 14. **Respiratory Equipment Stored.** 3CCR § 6738(a)

Scope: All registered structural pest control companies.

Exemptions: None

⌞ Employers are required to assure that all respiratory equipment, when not in use is kept separate from personal clothing and in a designated pesticide-free place.

Item 15. **Medical Condition Statement.** 3CCR § 6738(h)

Scope: All registered structural pest control companies.

Exemptions: None

Employers are required to assure that all employees are informed, prior to beginning work, that certain medical conditions may interfere with wearing a respirator while engaged in potential pesticide exposure situations. 3CCR § 6738(h)(4) prohibits assigning employees with facial hair to applications which require wearing a respirator unless they are provided with one that does not rely on a face to face-piece seal for proper operation.

F. AERATION INSPECTION

Purpose

This section is only to be used for unattended aerations. There are three phases of a fumigation: application, aeration and certification. The aeration phase has two stages; the tarp removal stage and the unattended aeration stage. You should complete this section of the form if this is the only part of the fumigation that you inspect. If you inspect any other part of the fumigation, the application, tarp removal or certification, in addition to the unattended aeration, then complete Section B. Since there is nobody there to acknowledge your inspection during the unattended aeration phase, you do not need a signature in the "Inspection Acknowledged" box.

Criteria Items

Item 1. **Annual Notification Submitted.** FAC §15204

Scope: All registered structural pest control companies performing structural pest control in the county.

Exemptions: None

LDetermine if the Licensed Structural Pest Control Operator has notified the agricultural commissioner prior to performing structural pest control for hire in your county. This can be accomplished by reviewing the company's records on file. The notification should cover a calendar year, unless a shorter time is specified by the Structural Pest Control License.

Item 2. **County Notified 24 Hours Prior.** B&P Code § 8505.5

Scope: All registered structural Branch I companies.

Exemptions: If the commissioner does not require a notice.

LHas a complete notice been properly submitted at least 24 hours prior to the start of operations stating the time and place the fumigation will take place?

Item 3. **Labeling - Aeration/Reentry.** FAC § 12973

Scope: All SPCB Branch I licensees.

Exemptions: None

└ Licensees shall follow label requirements for aeration and reentry.

Item 4. **Warning Signs on All Sides of Structure.** 16CCR § 1974

Scope: All SPCB Branch I licensees.

Exemptions: None

└ Prior to commencement of fumigation, fumigation warning signs shall be posted on the structure at or near all entrances and on each side of the structure. They shall also be placed on the outside surface of the tarps and visible on all accessible sides of the space under fumigation no matter from which direction the site is approached. Fumigation warning signs shall be posted at all joint seams of the tarp at the first floor level.

Item 5. **Effective Secondary Locks.** 16CCR § 1970.3

Scope: All SPCB Branch I licensees.

Exemptions: None

└ Prior to fumigation, all outside doors on the structure must be secured with a secondary lock. A secondary lock may consist of a padlock, keyway lock, clamshell lock, or any other device that will prevent opening by anyone other than the licensee in charge of the fumigation. Ask the licensee questions about secondary locks (i.e., what type are available, what do they use in different situations, what do they intend to use on the job, etc.). Walk through the structure prior to the introduction of the fumigant, checking all outside doors, including garage doors and sliding glass doors, for proper secondary locks. Staples are specifically prohibited.

Item 6. Required Information on Warning Signs. B&P Code § 8505.10

Scope: All registered structural pest control Branch I companies.

Exemptions: None

L Warning signs shall be printed in red on white background and shall contain the following statement in letters not less than two inches in height: “DANGER--FUMIGATION.” They shall also have a skull and crossbones not less than one inch in height and shall state in letters not less than one half inch in height the:

- C** Name of the fumigant used
- C** The date and time the fumigant was injected into the structure
- C** Name, address, and telephone number of the registered company performing the fumigation
- C** Warning signs placed inside a tarp do not need the time of fumigation. See ENF 96-068 (Amended).

Item 7. Proper Management of Treated Area. 3CCR § 6782

Scope: All registered structural pest control Branch I companies.

Exemptions: None

L After fumigation, the employer is responsible for determining how the work site should be managed. Employees must not be allowed in areas where off-gassing will result in concentrations in excess of the PEL.

6. Investigation Procedures

It is not possible to include a complete guide to investigations. Consult the Investigative Techniques Manual for more detail. Here, we will cover the basic skill of breaking a code section into its elements; collecting at least one piece of evidence to support each element; and making the inference from the evidence that leads to the conclusion that there was in fact a violation.

Let us look at the first part of B&P Code § 8505.9

Prior to the commencement of fumigation, warning signs shall be posted in plainly visible locations on or in the immediate vicinity of all entrances to the space under fumigation.....

The elements of this section are:

1. Before
2. A fumigation
3. Warning signs
4. Posted
5. Plainly visible
6. Immediate vicinity
7. All entrances

The first piece of evidence must establish that there was a fumigation. The label, your report, your observations could establish this fact. Absent a fumigation, there can be no violation. Having proved that there was a fumigation, it is necessary to establish that the warning signs were not posted *before the fumigation began*. Your inspection report must show the time of your observation and the time of the fumigation.

Here is a chart which will help you document each element of the section; assemble the evidence which proves that element, and make an inference which leads to the proof of the violation.

Element	Evidence	Inference
1. Fumigation	Label, Inspection report with your observation of the paraphernalia of a fumigation.	There was a fumigation
2. Before the fumigation	Time recorded on report.	Not <i>before</i> the fumigation
3. Warning signs	Inspection report showing that there were or were not plainly visible signs	Signs absent OR
4. Posted	Inspection report showing whether or not any signs were posted	Signs were not posted OR
5. Plainly visible	Inspection report showing that no signs were plainly visible	Signs not plainly visible OR
6. Immediate vicinity	Inspection report showing that no signs were in the immediate vicinity	Signs not in immediate vicinity
7. All entrances	Inspection report showing the absence of at least one sign	Signs not on <i>all</i> entrances
8. Conclusion		There was a violation

Your field notes have great value because they were made at the time of the inquiry. They also record the actual words used by the witnesses. They are the

basis for your report or case file. The investigator's episode report is only as good as the field notes taken at the time of the episode. There is typically an extended time lapse between the investigation and the enforcement action partly because of the requirements of due process.

It is best to structure your notes in a chronological order. Entries should begin by identifying the subject matter, date, time, and location of the activity. Other vital information may include names and titles of the victims, witnesses and suspects; a description of the episode site; weather conditions, and location and type of samples collected including the chain of custody. Using a chronological format will facilitate composition of the narrative report by allowing the investigator to simply expand the field notes.

Both your notes and your report are public documents. Any differences, no matter how subtle, may be used to discredit the case. For this reason, after you are sure that the report is complete, has been finalized and accepted by the commissioner, it is wise to destroy your notes.

Report Writing

Fully and correctly identify the players. Remember that enforcement action is not the only function of your report. It is also used by Worker Health & Safety Branch of DPR to evaluate the pesticide in question and regulations in general.

The report should include:

1. Table of contents.
2. Brief summary of the episode.
3. Defendant data.
4. Victim data.
5. Witness data.
6. Summary of the violations.
7. Code sections.
8. Diagram of the site.
9. Narrative of the investigation.
10. Documents gathered.
11. Samples taken.
12. Pesticide labels.

The information you should have for each person involved in the case must include name, address, phone, occupation or relationship to the defendants, their statement and the testimony, if any, they will give.

7. Structural Civil Penalty Hearings

The due process procedure is contained in B&P Code § 8617.

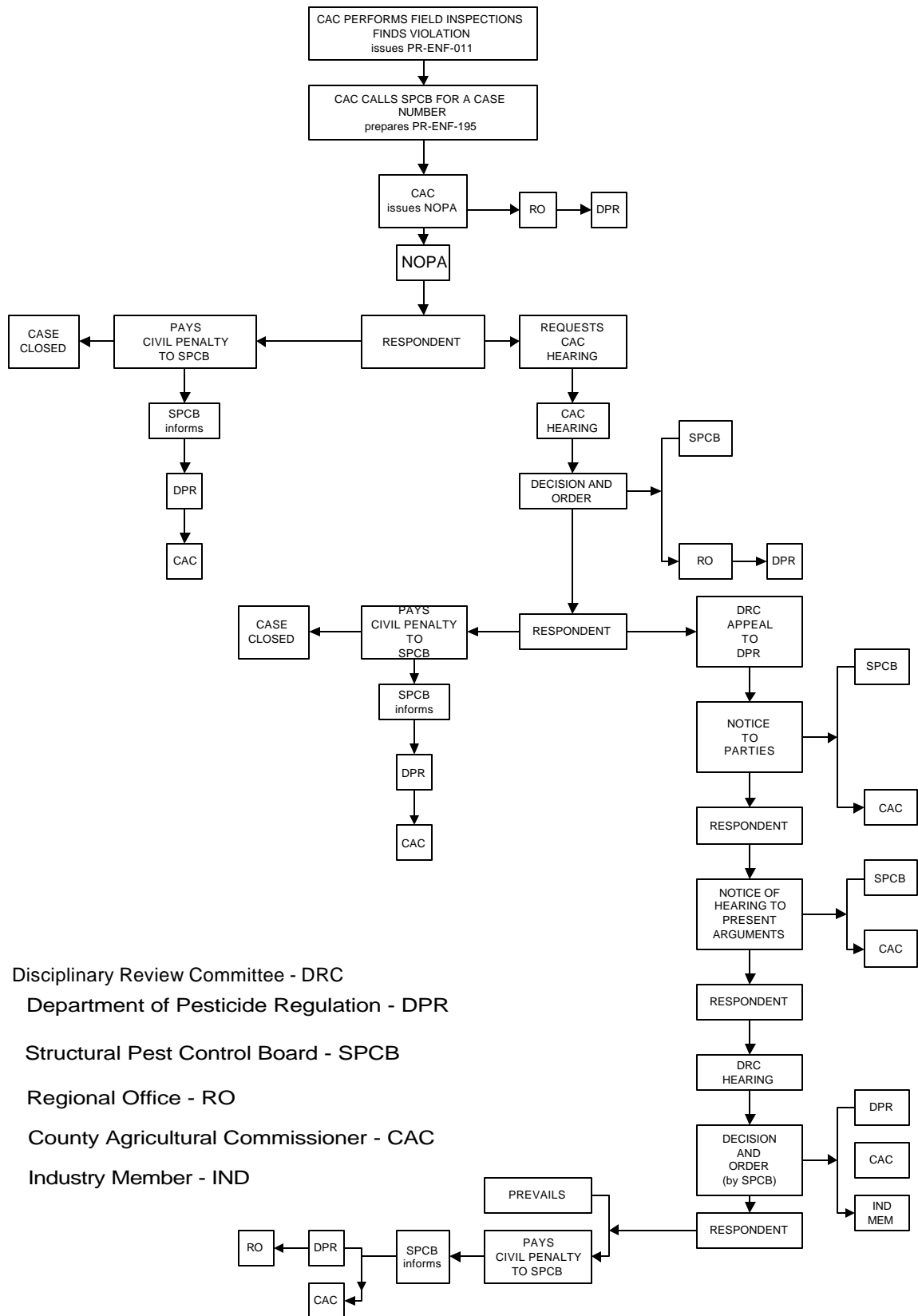
Requirement	Details
Who may take action?	SPCB or County Agricultural Commissioner
Sanction	License suspension for 3 working days OR \$ 1,000 fine.
Fines paid to	Structural Pest Control Education and Enforcement Fund.
Suspension restricted to	County of violation.
Person charged shall receive	Notice of the nature of the violation, an opportunity to be heard, the right to review the commissioner's evidence, right to present evidence.
Appeal	to the Disciplinary Review Committee of SPCB
Multiple local actions	Basis for statewide disciplinary action by SPCB § 8620.

If the commissioner proposes to fine a structural pest control operator or suspend the license of a licensee the accused must have due process of law; there must be full disclosure of the alleged violation and the evidence in support of the allegation; there must be a timely notice of the Structural Civil Penalty Hearing; there is the right to appeal the decision of the Hearing Officer. Many other safeguards are built into the system in order to ensure the accused of a fair hearing.

The procedure parallels the Agricultural Civil Penalty but differs in some

important details. Here the appeal is to the Disciplinary Committee of the SPCB rather than to the Director of the Department of Pesticide Regulation, as with Agricultural Civil Penalties. Any fines collected go to the SPCB rather than to the commissioner as is the case with ACPs.

The flow chart on page 70 illustrates the process.



APPENDIX

Tarpaulin Removal and Aeration Plan (TRAP).

1. California Structural Fumigation Pest Control Industry Standard

This plan has been developed in cooperation with the Pest Control Operators of California (PCOC), Subcommittee on Fumigation, and the Worker Health and Safety Branch (WH&S) of DPR. Copies are available from the PCOC, 3031 Beacon Boulevard, West Sacramento, CA 95691 telephone (916) 372-4363, or the Worker Health and Safety Branch, 1020 N Street, Sacramento, Room 200, CA 95814, telephone (916) 445-4222. Ask for HS-1574.

Scope

This plan can be used as a general guideline to minimize worker exposure during the clearing operations following fumigation of a typical single-family residential structure. It was developed during limited testing of single-family residences not over two stories in height. For other types of structures, the basic principle of exhausting the air space between the structure and the tarpaulin utilized in this plan may be applicable. This plan is in addition and designed to complement existing fumigant label requirements and provide additional safety during clearing operations of structural fumigation by establishing an industry standard method of performing this activity. This plan is applicable to structural pest control fumigations using methyl bromide and sulfuryl fluoride.

Purpose

The purpose of this procedure is to reduce the fumigant concentration between the tarpaulin covering and the structure (site) and thereby minimize exposure to the crew and should allow tarpaulin removal without exceeding the 5 ppm label exposure value limit for either fumigant. Additionally, the interior concentration of fumigant within the structure is simultaneously reduced.

Equipment necessary

- A. Electricity - generator or alternate power to operate aeration fan(s).
- B. Extension cord(s).
- C. Aeration fan(s) capable of moving 3,000 - 5,000 cfm (3-5 amp).
- D. Convection tubing or ducting to fit over fan housing to direct exhausting fumigant away from work area, sensitive plants or neighboring property.

Procedure

Initial steps

1. Prior to commencing fumigation, establish power cords and source of electricity to operate exhaust fans. Windows shall be closed or opened to a maximum of six inches (approximate) so the fumigant from the interior of the site does not influence the innerspace between the tarpaulin and the structure.
2. The exhaust fan locations should be selected carefully and engineered in a fashion to protect workers, property and neighboring structures. The fans may also be installed during the tarping period. If fans are installed just prior to aeration, respiratory protection (SCBA) must be worn.
3. Fan shall be installed at the seams with the tarpaulin wrapped or clamped around the fan housing.

Start of Clearing

4. Utilize convection tubing or ducting to divert fan exhaust away from the work space and other sensitive items such as plants and neighboring property. This allows for freedom of movement by employees in this area. Selection of fan sites to exhaust fumigant is critical to avoid exhausting fumigant into sensitive areas. Extend tubing from fan up the side of the structure to approximately 10 feet or to the first story roof line.
5. Start the fan to draw the tarpaulin down and around the site and exhaust the fumigant from the innerspace between the tarpaulin and the structure.

6. As the tarpaulin contracts, open a seam opposite the fan location to facilitate the draw of the fumigant. Open this seam a few feet.

Bottom Seal Removal

7. As the tarpaulin contracts, sandbag or water snake removal may take place. Workers should be aware of the position of the exhaust tubing and the exhausting fumigant. When possible, work in both directions away from the location of the exhaust fan and tubing when removing the bottom seal.

Clamp Removal

8. During this phase of the procedure, it is important to remove clamps and leave the tarpaulin in place as much as possible. Open seams farthest from a designated “safe area” and work your way back to this area. Typically, the fumigant truck will be positioned in the “safe area.” Remember that “enclosed areas” between site and walls, fencing, or other nearby structures may trap fumigant after clamp removal and removal of the tarpaulin. Avoid these areas as much as possible. Lower clamps should be removed before roof clamps so that tarpaulins do not drop unexpectedly.

Tarpaulin Removal

9. When commencing tarpaulin removal, the exhaust fan system may be turned off. When removing the tarpaulins, the roof area creates little hazard (provided the worker’s breathing zone is not violated). It is safer to pull up tarpaulins and “peel” tarpaulins than to drop them with ground crew below. Peeling the tarpaulin is a procedure whereby the tarpaulin is removed by pulling it off the structure inside out. While working around shrubs, ground crew may lift tarpaulins over shrubs below the waist level (approximate). When encountering shrubs above waist level, the rooftop crew can pull tarpaulins up and over the shrub. It is important that the ground crew are not immediately adjacent to the tarpaulin during this activity. When “peeling back” tarpaulins, the tarpaulin shall be a barrier between the ground crew and the innerspace. The breathing zone of the ground crew is critical in this phase of the procedure to avoid excessive exposure. Caution should be exercised when encountering roof valleys, covered patios, or other areas (dead air

spaces) where fumigant may be confined and aeration hindered.

Tarpaulin Folding

10. After the tarpaulins are removed, do not walk into areas where fumigant may be trapped unless wearing respiratory protection. Test for airborne fumigant levels above 5 ppm. Wait for the fumigant to dissipate to the acceptable level. If entry is necessary, wear SCBA whenever the fumigant concentration exceeds 5 ppm or is unknown. These areas may include patios, atriums, breezeways, etc. Allow time for these areas to fully ventilate. Fold tarpaulins away from the site as much as possible.

Conclusion

This plan has been tested to enhance worker safety. However, each single-family structure may present unique aeration problems that can only be assessed at the site. Common sense and good practice dictate that when atypical sites are aerated, personnel must rely on additional monitoring and respiratory protection to ensure exposure remains below 5 ppm to either methyl bromide or sulfuryl fluoride.

EXAMPLES OF STRUCTURAL PEST CONTROL DOCUMENTS.

Structural pest control companies use a variety of formats for their forms. We have set out examples of the forms on the following pages. Although the format may vary, the required information does not change. These documents follow:

1. Branch I, II and III Training Record.
2. Branch I Fumigation Log.
3. Branch II and III Notice of Work.
4. Branch II Service Ticket
5. Branch III Termite Notice- Door Hanger.

WORKER TRAINING RECORD																		
Employee Name: John J. Goodtech							Trainers Name: Dee Trainer											
Employees Signature: John J. Goodtech							Trainers Signature: Dee D. T. Trainer											
Employee Hire Date: 1/20/99							Branches: I, II, III											
Training Date: 1/23/98							PESTICIDE(S)											
ANNUAL TRAINING State law requires that you have annual training in pesticide handling and safe use. Read all pesticide labels for the pesticides indicated on the right and address the issues below.							D	E	G	K	M	T	D	T	B	B	P	T
							u	m	e	i	a	r	i	a	o	o	r	e
							s	p	n	c	k	i	b	z	i	r	a	l
							b	i	r	e		u	n	n	d	c	u	
							a	r	e			t	o		a	d	e	
							n	e				e	n		r	e		
WORK CLOTHING TO USE:																		
SYMPTOMS OF PESTICIDE POISONING:																		
ACUTE AND CHRONIC PESTICIDE EFFECTS:																		
MODES OF PESTICIDE POISONING:																		
OBTAINING EMERGENCY MEDICAL AID:																		
APPLICABLE LAWS, REGULATIONS, AND LABEL REQUIREMENTS REVIEW:																		
NEED FOR DECONTAMINATION OF SKIN AND EYES IF EXPOSED, AND HOW TO PERFORM:																		
PESTICIDE TRIPLE RINSING PROCEDURES:																		
PESTICIDE STORAGE AND DISPOSAL:																		
RIGHT TO KNOW LAWS:																		
PESTICIDE HAZARDS INVOLVED:																		
SAFETY PROCEDURES FOR USE:																		
PROTECTIVE EQUIPMENT TO USE:																		
RESPIRATOR TRAINING				EMPLOYEE SIGNATURE				TRAINERS SIGNATURE										
NEED FOR RESPIRATORS:																		
USE OF RESPIRATORS:																		
RESPIRATOR CARE AND SANITATION:																		
RESPIRATOR LIMITATIONS:																		
RESPIRATOR FIT AND FIT TESTING:																		
RESPIRATOR MANUAL REVIEW:																		
WRITTEN RESPIRATOR POLICY:																		

Bug Blasters Termite and Pest Control Services

FUMIGATION LOG

Bug Blasters Termite and Pest Control Services 555 Any Street Any Town, CA 55555 (555) 555-1212		Prime Contractor:	
Property Address: 556 Any Street Any Street Any Town, CA 55555		Owner or Agents Name: Harold T . Consumer	
Type of Structure: One story , stucco si ded, comp osi ti on roof si ngle fami ly resi dence			
Cubic Footage: 31, 000 cu. ft.		Target Pest(s): Drywood T ermi tes	
Fumigant Used: : Methyl Bromide EPA No. 62719-4 9 Vikane EPA No. 550-131-AA		Amount Used: 40 lbs.	
		Sealing Method: : Tarpaulin 9 Seal	
Warning Agent: Chlorop i cri n		Amount Used: 2. 5 oz .	
Weather Conditions: Warm wi nd under 5 mp h . , 70E			
Date Fumigant Introduced: 10/22/99		Time Fumigant Introduced: 1045	
Licensee Testing for Leaks: Joh n Goodtech		License No. RA55514	
Extraordinary Precautions: Posted a guard at the p rop erty from JD CO.			
Time Fumigant Released: 1055		Licensee Making Final Test: Joh n Goodtech	
Names of Fumigation Crew		Names of Fumigation Crew at Opening	
Fred Crumi crew		Fred Crumi crew	
Joe Soso		T om Newguy	

Tom Newguy	
Time Fire Dept. Notified: Not Required	Time Police Dept. Notified: Not Required
Time Ready for Occupancy: Time: 1400 Date: 10/24/99	Signature of Licensee in Charge: John Goodtech

Written Notice of Work to Be Done

**Bug Blasters Termite and Pest Control Services
555 Any Town, California
(555) 555-1212**

State law requires that you are given the following information:

CAUTION -- PESTICIDES ARE TOXIC CHEMICALS

Structural pest control companies are registered and regulated by the SPCB, and apply pesticides which are registered and approved for use by the California Department of Pesticide Regulation and the United States Environmental Protection Agency. Registration is granted when the state finds that based on existing scientific evidence, there are no appreciable risks if proper use conditions are followed or that the risks are outweighed by the benefits. The degree of risk depends upon the degree of exposure, so exposure should be minimized.

If within 24 hours following application you experience symptoms similar to common seasonal illness comparable to the flu, contact your physician or poison control center (555-555-1213) and your pest control company immediately.

For further information, contact any of the following: Your Pest Control Company (555-555-1212); for Health Questions--the County Health Department (555-555-1214); for Application information--the County Agricultural Commissioner (555-555-1215) and for Regulatory Information--the Structural Pest Control Board (555-555-1216, 1422 Howe Avenue, Suite 3, Sacramento, CA

95825).”

Pest Control Service Ticket **No. 5678**
Bug Blasters Termite and Pest Control Services
555 Any Street, Anytown, California (555) 555-1212

Name	Telephone Number
Harold T. Consumer	555-1213
Address	City
556 Any Street	Anytown
State	Zip Code
California	55555

Maintenance Service:

Type	<input type="checkbox"/>	Monthly	<input type="checkbox"/>	Bi-Monthly	<input type="checkbox"/>	Quarterly	<input type="checkbox"/>	Retreat	<input type="checkbox"/>	Other	<input type="checkbox"/>
Charge	\$29										
Service Charge			Previous Balance				Balance Due				
\$29. 00			\$29. 00				\$58. 00				

Pests Controlled: Check Appropriate Pest(s)

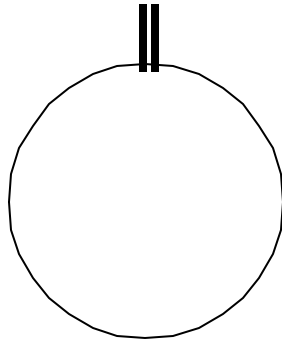
<input checked="" type="checkbox"/>	Ants	<input type="checkbox"/>	Earwigs	<input type="checkbox"/>	Crickets	<input checked="" type="checkbox"/>	Spiders	<input type="checkbox"/>	Fleas	<input type="checkbox"/>	Cockroaches:
<input type="checkbox"/>	Ticks	<input type="checkbox"/>	Mice	<input type="checkbox"/>	Rats	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
Area(s) Treated:			The eaves and perimeter of the house & fence line								

Pesticide(s) Used: X Tempo 20WP_____ 9 Cynoff WP _____ 1 OZ. 9 Diazinon 4E_____

9 Dursban 3E_____ X Kicker 1 OZ. 9 Dursban TC_____ 9 Timbor_____

9 Rozol Tracking Powder_____ 9 Eaton's AC 50 Bait_____

Service Date	Service Time	Service Technician
10/22/99	2:45 p m	Joh n Goodt ech



**Bug Blasters
Termite and Pest Control
Services
(555)555-1212**

**TERMITE TREATMENT
NOTICE**

Date: 10/22/99

Owner: Harold T. Consumer

Address: 555 Any Street

City: Any Town

State: CA

This Structure was treated for :

Subterranean Termites

Area Treated:

Subsoil Area

Pesticide Used:

Dursban TC 300 gal.

diluted

Technician:

John Goodtech

